

Application Number: 09/938,705

Docket Number: 10010980-1

REMARKS

Upon entry of this Response, claims 1-15, 7-13, 15-20, and 22-23 remain pending in the present patent application. Claim 6, 14, and 21 have been canceled herein, and claims 1, 9, 17, 22, and 23 have been amended. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

In item 3 of the Office Action, claims 1 and 7 have been objected to as they recite "the at least one" and it is alleged that they should recite "at least one" instead. Applicant respectfully disagrees. Specifically, in the preamble of claim 1, the concept of "at least one region" is introduced thereby providing antecedent basis for such an element. Later in the claim the step of "populating the at least one region" is recited. In this respect, the term "the" refers back to the "at least one region" introduced in the preamble. Applicant asserts that the usage of the term "the" in this context is proper and adheres to requirements of antecedent basis for claim language in patent applications. The same goes for the occurrence of "the at least one" in the remainder of the claims. According, Applicant respectfully requests that the objection in item 3 of the Office Action be withdrawn.

Next, in item 5 of the Office Action, claims 1-23 have been rejected under §102(e) as being anticipated by U.S. Patent 6,327,574 issued to Kramer et al. (hereafter "Kramer"). Anticipation under §102 "requires the disclosure in a single prior art reference of each element of the claim under construction. W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). As an initial matter, Applicant notes that claims 6, 14, and 21 have been canceled herein, thereby rendering this rejection moot with respect to such claims. In view of amendments to claims 1, 9, 17, 22, and 23, Applicant respectfully requests that the rejection of claims 1-5, 7-13, 15-20, 22, and 23 be withdrawn.

To begin, claim 1 recites as follows:

1. A method for populating at least one region in a publication, comprising:
 - associating a priority value with each one of a plurality of content items to be populated into the at least one region of the publication in a computer system;
 - manually associating a preference value to select ones of the content items;

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performing a mathematical calculation to adjust each of the priority values associated with the select ones of the content items based upon the respective preference values associated with the select ones of the content items; and

populating the at least one region with at least one of the content items in an order based upon the priority value associated with each of the content items after the priority values of the select ones of the content items are adjusted.

As set forth above, claim 1 recites the step of manually associating a preference value to the select ones of the content items. Also, claim 1 recites the step of performing a mathematical calculation to adjust each of the priority values associated with the select ones of the content items based upon the respective preference values. In this respect, a pool of content items is identified for inclusion in one or more regions of a publication for a given user. A priority value is associated with each one of the content items to be included in the publication based on the user profile. In addition, some of the content items may have a preference value associated therewith that provides preference in terms of priority for such content items in being displayed in a publication.

For example, where a content item is an advertisement, it may be desirable for the advertiser to have the content item displayed in regions on the front page of a given publication. Given that content items are placed in the regions based upon their priority, if the advertiser wishes to ensure that the advertisement will appear on the front page given competition among other advertisers, then the advertiser might pay for a preference value to be associated with the advertisement that is used to alter the priority of the advertisement so that the probability that the advertisement will appear on the front page of the publication is increased. This provides a revenue generating mechanism according to the various embodiments of the present invention.

Applicant asserts that Kramer fails to show or suggest such elements. Specifically, Kramer describes obtaining content items to be included in various publications such as web pages based upon information about given users. Based on the profiles of the users, the content items are assigned priorities that are used to determine whether such content items will be placed in publication. In this respect,

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Kramer describes the fact that two different users accessing web sites might actually see documents that have entirely different content.

However, Kramer fails to show or suggest the concept of altering the priorities associated with the content items based upon preference values that are manually associated with respective ones of the content items. In this respect, Kramer fails to show or suggest the mechanism that "bumps up" the priority of various content items, thereby displacing other content items that might have originally had a higher priority than the original priority that was altered in view of the preferences assigned.

Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Also, Applicant requests that the rejection of claims 9, 17, 22, and 23 be withdrawn to the extent that they incorporate subject matter similar in scope with that of claim 1 above. In addition, Applicant requests that the rejection of claims 2-15, 7-8, 10-13, 15-16, and 18-20 be withdrawn as depending from claims 1, 9, 17, 22, or 23.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,



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